

III. REMARKS

1. Claims 1-8 are pending in this Application.

2. Claims 1-8 are not anticipated by Wright et al. (4,802,218) as evidenced by Aldebert et al. (5,794,033) and are patentable under 35 U.S.C. §102(b).

Claim 1 of the present application recites in pertinent part, the metering device further comprising means for receiving programming instructions from a remote location via a communications system for operation of the computer.

Wright ('218) discloses an automated franking transaction system employing cards (10, 90, 100) for maintaining an account balance, providing postal rates for a particular carrier and providing the services of a particular carrier (col. 16 l. 60 - col. 17 l. 14, col. 12 l. 3-9 and col. 14 l. 21-45). Wright ('218) discloses a terminal (20) for dispensing an article of value and debiting the card's balance. Wright ('218) also discloses a master refilling card and a supervisor card used to refill the account balance in the user card (10) (col. 15 l. 56 - col. 16 l. 28).

Nowhere in Wright ('218) is it disclosed or suggested that the cards (10, 90, 100) are a communications system as claimed in claim 1 of the present Application. In Wright ('218) the cards (10, 90, 100) are integral to and form a part of the meter, as a user, cannot operate the postage terminal of Wright ('218) without the cards (10, 90, 100) (col. 17 l. 63 - col. 18 l. 5). The terminal microprocessor (30) works in tandem with the card microprocessor (60) to allow the user access to the franking

system (col. 8 l. 66 - col. 9 l. 24) and to provide postage rate and service look up tables for the franking operation (col. 11 l. 53 - col. 12 l. 9 and col. 14 l. 28-50). The cards (10, 90, 100) in Wright ('218) are merely external memory devices which must be plugged into the terminal (20) to allow the terminal to operate. In addition, the master refilling card and the supervisor card, like the user card (10), act as security devices to prevent unauthorized use of the meter to print indicia and refill an account balance on a user card (10) (col. 15 l. 56 - col. 16 l. 28). There is no suggestion or disclosure in Wright ('218) of the cards (10, 90, 100) being in communication with anything but the terminal itself. This is contrary to and not what is claimed in claim 1 of the present Application.

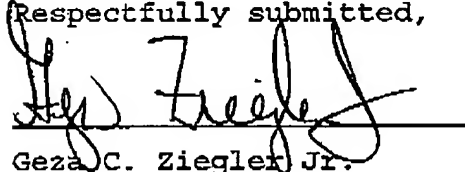
Claim 1 of the present Application recites the metering device further comprising means for receiving programming instructions from a remote location via a communications system for operation of the computer. There is no disclosure in Wright of the user card (10) providing any programming instructions. The cards (10, 90, 100) in Wright merely store information, such as an account balance in the case of card (10), and are not in communication with anything other than the franking system. In addition, the cards (10, 90, 100) have to be plugged into the terminal (20) in order for the franking system to operate and therefore are not in a remote location as claimed in claim 1 of the present Application. Accordingly, the cards in Wright ('218) are not a means for receiving programming instructions from a remote location via a communications system for operation of the computer as recited in claim 1 of the present Application. Therefore, claim 1 of the present Application is allowable and not anticipated by Wright ('218) under 35 U.S.C. §102(b).

Claims 2-8 depend from claim 1 and should also be allowable at least because of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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15 June 2005

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